

**South Carolina
Certified Public Managers Program Project
Class of May 2017**

**The Importance of Restitution/Subrogation for
the Crime Victim's Compensation Fund**

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State Office of Victim Assistance (SOVA)
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History

The South Carolina Crime Victims' Act was passed in 1983 creating the State Office of Victim Assistance (SOVA) and the Crime Victim's Compensation Fund. The State Office of Victim Assistance is a state agency mandated by law to meet the critical needs of crime victims of South Carolina by coordinating responsive statewide services and benefits. The funds placed in the Victims' Compensation Fund shall consist of all money appropriated by the General Assembly, if any, for the purpose of compensating claimants under this article and money recovered on behalf of the State pursuant to this article by subrogation or other action recovered by court order. The fund is "payer of last resort" and provides financial assistance to crime victims victimized across the state of South Carolina. (See Appendix H)

SOVA's Mission:¹

"The mission of SOVA is to assist eligible crime victims and their families in putting the pieces of their lives back together. SOVA will also provide training regarding its services to victims, law enforcement, agencies, crime victim advocates, and the public."

Laws Governing SOVA

- ***Section 14-1-203 ~ Section 14-1-208*** (See Appendix A)
- ***Section 16-3-1110 ~ Section 16-3-1350*** (See Appendix B)
- ***Section 16-3-1400 ~ Section 16-3-1420*** (See Appendix C)

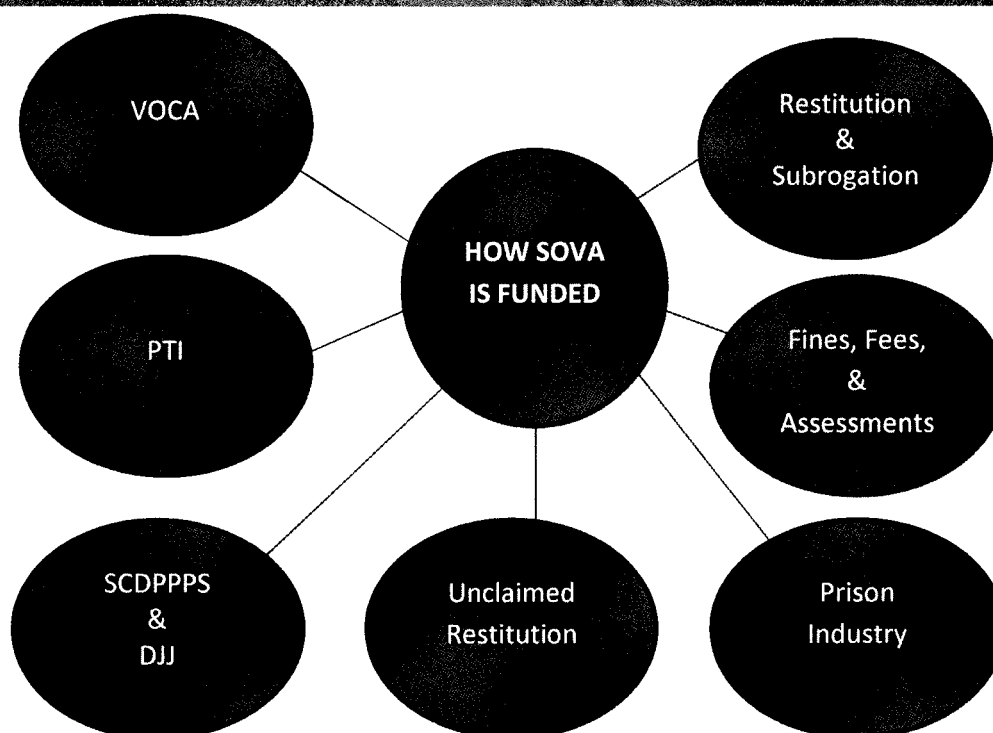
¹ State Office of Victim Assistance Website; www.sova.sc.gov

² www.judicial.state.sc.us/cdr

Laws Governing Restitution/Subrogation³

- **SECTION 16-3-1250.** (See Appendix B)
- **SECTION 16-3-1260.** (See Appendix B)
- **SECTION 17-22-140.** (See Appendix D)
- **SECTION 17-25-322.** (See Appendix D)

Restitution and Subrogation



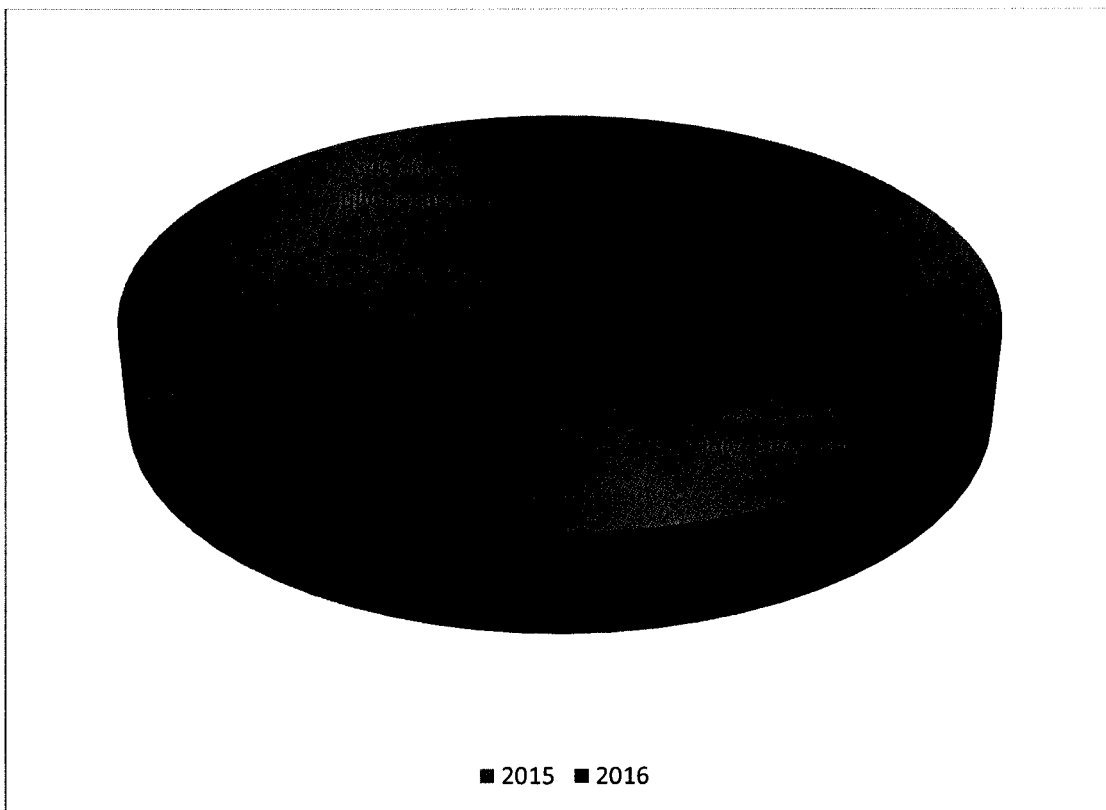
³ www.judicial.state.sc.us/cdr

The majority of SOVA's compensation fund comes from fines, fees, and assessments ordered by the courts to be paid by the offenders, but SOVA also receives a substantial amount from Restitution and Subrogation recovery. Restitution orders are received on both magistrate and general session's levels to have the offender repay SOVA on the amount that was paid out on their victims.

In 2015 SOVA awarded \$7.8 million on behalf of crime victims and was able to recover \$287,062.86. Due to the lack of recovery; the additional \$10,000 that was once available to victims can no longer be offered. With the continuous declining of funds recovered the amount allowed for crime victims can potentially decrease from the current allowance of \$15,000.

2015 and 2016 Compensation Recoupment (July – December)

(See Appendix E and F)



Diversionary Programs

Diversionary programs are big assets to SOVA and the Compensation Fund. Working with these programs allows SOVA to receive portions of payments that were made on the victim's behalf to be reimbursed. Many first time offenders want a second chance and a clean record and would like to participate in these programs. Participation in these programs is a benefit for the offenders and by working hand and hand with them would allow SOVA to attach there restitution orders to the agreement plans.

➤ **South Carolina Department of Probation, Parole, & Pardon⁴**

Prepares offenders under supervision to becoming productive members of the community.

➤ **The Prison Industry Enhancement (PIE) Program⁵**

This program places inmates in realistic work environments, pays them prevailing wages, and gives them a chance to develop marketable skills that will increase their potential for rehabilitation and meaningful employment on release.

Approximately 1,200 inmates work in an industry in the South Carolina Department of Corrections. These programs are completely self-supporting, providing valuable training for inmates while generating funds for the Agency.

Inmates employed in this program also contribute to victim programs.

⁴ South Carolina Department of Probation, Parole, and Pardon Services website; www.dppps.sc.gov

⁵ South Carolina Department of Corrections Website; www.doc.sc.gov/programs/pi.jsp

➤ **Pretrial Intervention (PTI)**

Available for individuals ages 17 and older who are first time offenders charged with non-violent offenses. The program is operated by the Solicitor of the Judicial Circuit and acceptance into the Program is Solely at the discretion of the Solicitor. This program accommodates both General Sessions and Misdemeanor or Magistrate cases. Over the course of the program, the participant is required to repay the victim of the crime through restitution. There also is generally an element of community service. PTI participants must agree to drug treatment or counseling sessions and must submit to random drug testing. There are certain fees associated with PTI. These fees include an application and participation fee as well as any counseling costs which are separate. Even with the fees and costs, PTI can be much cheaper than court fines, costs and assessments that may be imposed. Upon successful completion, the charge is dismissed and can be expunged from your record.

➤ **Youth Arbitration Program (DJJ)⁶**

A community-based diversion program that provides fast track accountability for first-time youthful offenders charged with committing a nonviolent crime. These youths are diverted from the formal justice system to an arbitration hearing or conference conducted in their communities.

- Paying monetary restitution.
- Performing community service.
- Making a charitable donation.

⁶ www.state.sc.us/djj/pdfs/juvenile-arbitration-program.pdf

- Attending educational programs.
- Participating in counseling.
- Writing topical essays.
- Apologizing to the victim(s).
- Attending substance abuse programs.
- Participating in victim impact panels.

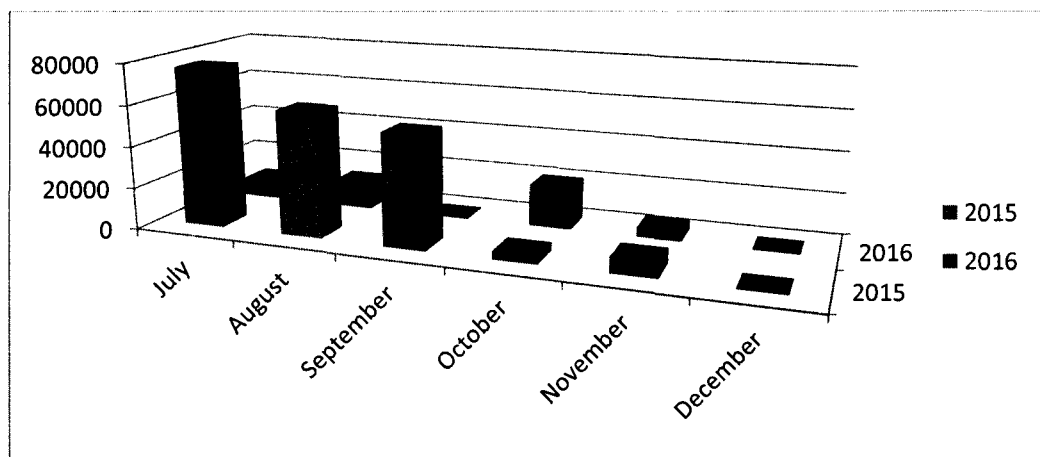
Data Collection/Analysis

The data collected during this project shows the amount of funds that were recovered via Restitution/Subrogation and the agencies/counties they were received from. This will allow me to focus on which agencies and counties would need to be addressed and from which to seek additional help.

In 2015, between July and December SOVA was able to recover \$201,293.62 in compensation funds. There was a dramatic drop in 2016, where only \$46,901.01 was recovered between July and December. (See Appendix E and F)

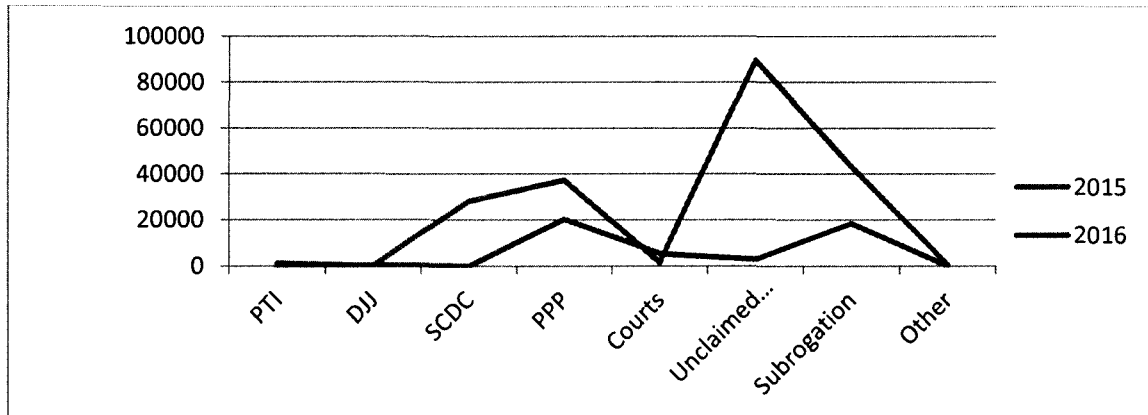
2015 and 2016 Funds Recovered

(July – December)



In 2015 and 2016, between July and December SOVA recovered funds from PTI, DJJ, SCDC, PPP, Courts (Magistrates, Municipal, and General Sessions) and Subrogation. (See Appendix E and F)

2015 and 2016 Recoupment by Agency/Area
(July – December)



Out of the 46 counties within South Carolina, SOVA received recovery assistance from 20 of the 46 counties between 2015- 2016. (See Appendix E and F)

July 2015 – December 2015
Restitution Payments

County	Payments Received	Total Payment Amount
Allendale	3	\$217.35
Bamberg	2	\$80.00
Greenville	4	\$719.61
Greenwood	1	\$166.67
Oconee	4	\$200.00
Spartanburg	8	\$327.09
York	2	\$150.02

**July 2016 – December 2016
Restitution Payments**

	Payments Received	Total Payment Amount
Allendale	3	\$217.36
Charleston	2	\$216.65
Cherokee	1	\$67.04
Dorchester	1	\$24.79
Greenville	7	\$1,928.04
Greenwood	4	\$400.52
Horry	2	\$1,494.00
Lexington	1	\$150.00
Oconee	2	\$360.00
Pickens	5	\$2,978.41
Richland	4	\$373.13
Spartanburg	17	\$3,516.87
York	7	\$651.62

The greatest amount of assistance was received from Spartanburg and Pickens counties because of the relationship that Restitution Coordinators build within these counties. By building these relationships various individuals contact us daily before attending court hearings to verify any amount that SOVA may have paid out on a victim. During the defendant's court hearing those individuals request that the defendant is ordered to repay SOVA.

There are 45 additional counties that SOVA has to focus on building relationships with and educating on the importance of Restitution/Subrogation recovery and the impact it has on the Victim Compensation Fund and the future assistance available for victims of South Carolina. Throughout the year, coordinators within the Restitution Department travel the state building relationships and training advocates on the importance of Restitution/Subrogation and how to order Restitution to SOVA. While out on these site visits meetings are conducted with Clerks of Court, Victim Advocates, Law Enforcement Victim Advocates, PTI Coordinators, Solicitors, Magistrate Judges, and PPP representatives. The main concern while conducting these visits is to let individuals know how simple the procedure of ordering restitution can be. They are made aware that there is no additional work that has to be put on their employees. Only one simple form to be completed by the judge and SOVA would do the rest to ensure that the money is received and applied correctly to the Compensation Fund. (See Appendix G)

Summary and Recommendations

In summary, the concerns outline in this project illustrates the importance of Restitution/Subrogation recovery. Without the recovery of funds that are continuously going out for Crime Victims of South Carolina the Compensation Fund will continue to decline. This will result in a continuous decrease in the amount of funds that can be awarded to each victim in South Carolina and eventually a possibility of a decrease in the amount of victims that can be served.

My main focus is to continue to reach out, network, and educated all counties within South Carolina, focusing on the counties that we have received no or little funds from. I will also continue to work with and build on involving SOVA in various diversionary programs,

which seems to be the main source of recoupment of funds. As records show our main source of recoupment comes from networking with South Carolina Department of Probation, Parole, and Pardon (PPP) and South Carolina Department of Corrections (SCDC).

For future recoupment efforts I will continue to reach out and build with the Pretrial Intervention (PTI) Program and the Youth Arbitration Program with DJJ. I will attempt to have Restitution included as a requirement for a defendant to participate in either program. We will then monitor the success of our collaboration by the amount of Restitution payments we receive on a monthly basis from both programs.

APPENDIX A

Laws Governing SOVA and Restitution/Subrogation SC Code of Law: Sections 14-1-203 to 14-1-208

SECTION 14-1-203. Revenues from spousal and dependent children support actions.

The revenue from the fee set in Section 63-3-370(C) must be remitted to the county in which the proceeding is instituted. Forty-four percent of the revenues must be remitted monthly by the fifteenth day of each month to the State Treasurer on forms in a manner prescribed by him. When payment is made to the county in installments, the state's portion must be remitted to the State Treasurer by the county treasurer on a monthly basis. The forty-four percent remitted to the State Treasurer must be deposited as follows:

- (1) 43.76 percent to the general fund;
- (2) 10.04 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;
- (3) 6.20 percent to the State Office of Victim Assistance under the South Carolina Victim's Compensation Fund; and
- (4) 40.00 percent to the South Carolina Judicial Department.

HISTORY: 2002 Act No. 329, Section 3B, eff July 1, 2002.

SECTION 14-1-204. Distribution of filing fee paid for filing complaints or petitions in civil actions in a court of record.

(A) The one hundred dollar filing fee for documents and actions described in Section 8-21-310(11)(a) must be remitted to the county in which the proceeding is instituted, and fifty-six percent of these filing fee revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer. When a payment is made to the county in installments, the state's portion must be remitted to the State Treasurer by the county treasurer on a monthly basis.

The fifty-six percent of the one-hundred-dollar fee prescribed in Section 8-21-310(11)(a) remitted to the State Treasurer must be deposited as follows:

- (1) 31.52 percent to the state general fund;
- (2) 7.23 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;
- (3) 4.47 percent to the State Office of Victim Assistance under the South Carolina Victim's Compensation Fund;
- (4) 26.78 percent to the Defense of Indigents Per Capita Fund, administered by the Commission on Indigent Defense, which shall then distribute these funds on December thirty-first and on June thirtieth of each year to South Carolina organizations that are grantees of the Legal Services Corporation, in amounts proportionate to each recipient's share of the state's poverty population; and
- (5) 30.00 percent to the South Carolina Judicial Department.

(B)(1) There is added to the fee imposed pursuant to Section 8-21-310(11)(a) an additional fee equal to fifty dollars. One hundred percent of the revenue from this additional fee must be remitted to the State Treasurer on the monthly schedule provided in subsection (A). The revenues from this additional fee must be allocated in each fiscal year to the following agencies in the amounts specified:

(a) Judicial Department-67.96 percent;

(b) Commission on Indigent Defense, Defense of Indigents per capita-14.56 percent;

(c) Department of Probation, Parole and Pardon Services-11.30 percent;

(d) Prosecution Coordination Commission-4.37 percent; and

(e) Commission on Indigent Defense, Division of Appellate Defense-1.81 percent.

(2) Fee revenues allocated pursuant to this subsection are to be retained, expended, and carried forward by the agencies specified.

HISTORY: 1997 Act No. 155, Part II, Section 36B, eff July 1, 1997; 2002 Act No. 329, Section 3.C., eff July 1, 2002; 2008 Act No. 353, Section 2, Pt 23B, eff July 1, 2009.

SECTION 14-1-205. Disposition of costs, fees, fines, penalties, forfeitures, and other revenues; restitution charge to Victim's Compensation Fund.

Except as provided in Sections 17-15-260, 34-11-90, 50-1-150, 50-1-170, and 56-5-4160, on January 1, 1995, fifty-six percent of all costs, fees, fines, penalties, forfeitures, and other revenues generated by the circuit courts and the family courts, except the seventy dollar filing fee prescribed in Section 8-21-310(11)(a) must be remitted to the county in which the proceeding is instituted and forty-four percent of the revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer on forms and in a manner prescribed by him. When a payment is made to the county in installments, the state's portion must be remitted to the State Treasurer by the County Treasurer on a monthly basis. The forty-four percent remitted to the State Treasurer must be deposited as follows:

(1) 72.93 percent to the general fund;

(2) 16.73 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;

(3) 10.34 percent to the State Office of Victim Assistance under the South Carolina Victim's Compensation Fund.

In any court, when sentencing a person convicted of an offense which has proximately caused physical injury or death to the victim, the court may order the defendant to pay a restitution charge commensurate with the offense committed, not to exceed ten thousand dollars, to the Victim's Compensation Fund.

HISTORY: 1994 Act No. 497, Part II, Section 36A, eff January 1, 1995; 1997 Act No. 155, Part II, Section 36C, eff July 1, 1997.

SECTION 14-1-206. Additional assessment, general sessions or family court; remittance; disposition; annual audits.

(A) A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in general sessions court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the clerk of court in the county in which the criminal judgment is rendered for remittance to the State Treasurer by the county treasurer. The assessment is based upon that portion of the fine that is not suspended and assessments must not be waived, reduced, or suspended.

(B) The county treasurer must remit 35.35 percent of the revenue generated by the assessment imposed in subsection (A) to the county to be used for the purposes set forth in subsection (D) and remit the balance of the assessment revenue to the State Treasurer on a monthly basis by the fifteenth day of each month and make reports on a form and in a manner prescribed by the State Treasurer. Assessments paid in installments must be remitted as received.

(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of assessments received as follows:

(1) 42.08 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;

(2) 14.74 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .45 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 14.46 percent to the Office of Indigent Defense for the defense of indigents;

(5) 11.83 percent for the State Office of Victim Assistance;

(6) 15.39 percent to the general fund;

(7) .89 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, "complex criminal litigation" means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel, and the county involved has expended more than two hundred fifty thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund;

however, money disbursed from this fund must be disbursed on a "first received, first paid" basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; and

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments.

(D) The revenue retained by the county under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15 of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims' assistance programs which are required by Article 15 of Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15 of Title 16. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years.

(E) To ensure that fines and assessments imposed pursuant to this section and Section 14-1-209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each county pursuant to Section 4-9-150 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a supplementary schedule detailing all fines and assessments collected by the clerk of court for the court of general sessions, the amount remitted to the county treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the supplementary schedule must include the following elements:

(a) all fines collected by the clerk of court for the court of general sessions;

(b) all assessments collected by the clerk of court for the court of general sessions;

(c) the amount of fines retained by the county treasurer;

(d) the amount of assessments retained by the county treasurer;

(e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and

(f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The supplementary schedule must be included in the external auditor's report by an "in relation to" paragraph as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

(3) Within thirty days of issuance of the audited financial statement, the county must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the supplemental schedule required in this subsection. Upon submission to the State Treasurer, the county may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the supplemental schedule required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and county treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the county council and make those records available for review.

HISTORY: 1994 Act No. 497, Part II, Section 36B, eff January 1, 1995; 1995 Act No. 145, Part II, Section 113A, eff July 1, 1995; 1996 Act No. 292, Section 1, eff May 6, 1996; 1997 Act No. 141, Section 4A, eff July 1, 1997; 1999 Act No. 105, Section 1, eff June 28, 1999; 2000 Act No. 387, Part II, Section 83B, eff June 30, 2000; 2001 Act No. 107, Section 3, eff September 20, 2001; 2008 Act No. 335, Section 2, eff June 16, 2008; 2008 Act No. 353, Section 2, Pt 23D, eff July 1, 2009.

SECTION 14-1-207. Additional assessment, magistrates court; remittance; disposition; annual audits.

(A) A person who is convicted of, pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in magistrates court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the magistrate and deposited as required by Section 22-1-70 in the county in which the criminal judgment is rendered for remittance to the State Treasurer by the county treasurer. The assessment is based upon that portion of the fine that is not suspended and assessments must not be waived, reduced, or suspended. The assessment may not be imposed on convictions for violations of Sections 56-3-1970, 56-5-2510, and 56-5-2530, or another state law, municipal ordinance, or county ordinance restricting parking in a prohibited zone or in a parking place clearly designated for handicapped persons.

(B) The county treasurer must remit 11.16 percent of the revenue generated by the assessment imposed in subsection (A) to the county to be used for the purposes set forth in subsection (D) and remit the balance of the assessment revenue to the State Treasurer on a monthly basis by the fifteenth day of each month and make reports on a form and in a manner prescribed by the State Treasurer. Assessments paid in installments must be remitted as received.

(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 32.36 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;

(2) 20.72 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .60 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 18.82 percent for the State Office of Victim Assistance;

(5) 15.93 percent to the general fund;

(6) 10.49 percent to the Office of Indigent Defense for the defense of indigents;

(7) .92 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, "complex criminal litigation" means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel and the county involved has expended more than two hundred fifty thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a "first received, first paid" basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; and

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments.

(D) The revenue retained by the county under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15 of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims' assistance programs which are required by Article 15 of Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15 of Title 16. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years.

(E) To ensure that fines and assessments imposed pursuant to this section and Section 14-1-209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each county pursuant to Section 4-9-150 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a supplementary schedule detailing all fines and assessments collected by the magistrate's court of that county, the amount remitted to the county treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the supplementary schedule must include the following elements:

(a) all fines collected by the magistrate's court;

(b) all assessments collected by the magistrate's court;

(c) the amount of fines retained by the county treasurer;

(d) the amount of assessments retained by the county treasurer;

(e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and

(f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The supplementary schedule must be included in the external auditor's report by an "in relation to" paragraph as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

(3) Within thirty days of issuance of the audited financial statement, the county must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the supplemental schedule required in this section. Upon submission to the State Treasurer, the county may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the supplemental schedule required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and county treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the county council and make those records available for review.

HISTORY: 1994 Act No. 497, Part II, Section 36C, eff January 1, 1995; 1995 Act No. 145, Part II, Section 113B, eff July 1, 1995; 1997 Act No. 141, Section 5A, eff July 1, 1997; 1999 Act No. 105, Section 2, eff June 28, 1999; 2000 Act No. 387, Part II, Section 83C, eff June 30, 2000; 2001 Act No. 107, Section 3, eff September 20, 2001; 2008 Act No. 283, Section 1, eff June 11, 2008; 2008 Act No. 335, Section 3, eff June 16, 2008; 2008 Act No. 353, Section 2, Pt 23E, eff July 1, 2009.

SECTION 14-1-208. Additional assessment, municipal court; remittance; disposition; annual audits.

(A) A person who is convicted of, or pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in municipal court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the municipal clerk of court and deposited with the city treasurer for remittance to the State Treasurer. The assessment is based upon that portion of the fine that is not suspended, and assessments must not be waived, reduced, or suspended. The assessment may not be imposed on convictions for violations of Sections 56-3-1970, 56-5-2510, and 56-5-2530, or another state law, municipal ordinance, or county ordinance restricting parking in a prohibited zone or in a parking place clearly designated for handicapped persons.

(B) The city treasurer must remit 11.16 percent of the revenue generated by the assessment imposed in subsection (A) to the municipality to be used for the purposes set forth in subsection (D) and remit the balance of the assessment revenue to the State Treasurer on a monthly basis by the fifteenth day of each month and make reports on a form and in a manner prescribed by the State Treasurer. Assessments paid in installments must be remitted as received.

(C) After deducting amounts provided pursuant to Section 14-1-210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 14.04 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;

(2) 13.89 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .36 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus for the purpose of defraying the costs of maintaining and operating the Hall of Fame;

(4) 10.38 percent for the State Office of Victim Assistance;

(5) 11.53 percent to the general fund;

(6) 10.56 percent to the Office of Indigent Defense for the defense of indigents;

(7) .89 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department's addiction center facilities;

(8) .54 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, "complex criminal litigation" means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant's counsel and the county involved has expended more than one hundred thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution-related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a "first received, first paid" basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year;

(9)(a) 9.16 percent to the Department of Public Safety for the programs established pursuant to Section 56-5-2953(E); and

(b) 1.31 percent to SLED for the programs established pursuant to Section 56-5-2953(E);

(10) 13.61 percent to the Governor's Task Force on Litter and in the expenditure of these funds, the provisions of Chapter 35 of Title 11 do not apply;

(11) 13.61 percent to the Department of Juvenile Justice. The Department of Juvenile Justice must apply the funds generated by this item to offset the nonstate share of allowable costs of operating juvenile detention centers so that per diem costs charged to local governments utilizing the juvenile detention centers do not exceed twenty-five dollars a day. Notwithstanding this provision of law, the director of the department may waive, reduce, defer, or reimburse the charges paid by local governments for juvenile detention placements. The department may apply the remainder of the funds generated by this item, if any, to operational or capital expenses associated with regional evaluation centers; and

(12) .12 percent to the Office of the State Treasurer to defray the administrative expenses associated with the collecting and distributing the revenue of these assessments.

(D) The revenue retained by the municipality under subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15 of Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims' assistance programs which are required by Article 15 of Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15 of Title 16. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity's adopted budget as funds unused and carried forward from previous years.

(E) To ensure that fines and assessments imposed pursuant to this section and Section 14-1-209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each municipality pursuant to Section 5-7-240 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a supplementary schedule detailing all fines and assessments collected at the court level, the amount remitted to the municipal treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the supplementary schedule must include the following elements:

(a) all fines collected by the clerk of court for the municipal court;

(b) all assessments collected by the clerk of court for the municipal court;

(c) the amount of fines retained by the municipal treasurer;

(d) the amount of assessments retained by the municipal treasurer;

(e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and

(f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The supplementary schedule must be included in the external auditor's report by an "in relation to" paragraph as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

(3) Within thirty days of issuance of the audited financial statement, the municipality must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the supplemental schedule required in this section. Upon submission to the State Treasurer, the municipality may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the supplemental schedule required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and municipal treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the municipal governing body and make those records available for review.

HISTORY: 1994 Act No. 497, Part II, Section 36D, eff January 1, 1995; 1995 Act No. 145, Part II, Section 113C, eff July 1, 1995; 1996 Act No. 458, Part II, Section 80A, eff upon approval (took effect June 19, 1996); 1997 Act No. 141, Section 6A, eff July 1, 1997; 1998 Act No. 434, Section 12, eff June 29, 1998; 1999 Act No. 105, Section 3, eff June 28, 1999; 2000 Act No. 387, Part II, Section 54A, eff October 1, 2000; 2000 Act No. 387, Part II, Section 83D, eff June 30, 2000; 2001 Act No. 107, Section 3, eff September 20, 2001; 2008 Act No. 283, Section 2, eff June 11, 2008; 2008 Act No. 335, Section 4, eff June 16, 2008; 2008 Act No. 353, Section 2, Pt 23F, eff July 1, 2009.

APPENDIX B

Laws Governing SOVA and Restitution/Subrogation SC Code of Law: Sections 16-3-1110 to Sections 16-3-1350

ARTICLE 13

Compensation of Victims of Crime

SECTION 16-3-1110. Definitions.

For the purpose of this article and Articles 14 and 15 of this chapter:

- (1) "Board" means the South Carolina Crime Victim's Advisory Board.
- (2) "Claimant" means any person filing a claim pursuant to this article.
- (3) "Fund" means the South Carolina Victim's Compensation Fund, which is a division of the Office of the Governor.
- (4) "Director" means the Director of the Victim's Compensation Fund who is appointed by the Governor. The director shall be in charge of the State Office of Victim's Assistance which is part of this division under the supervision of the Governor.
- (5) "Field representative" means a field representative of the State Victim's Compensation Fund assigned to handle a claim.
- (6) "Crime" means an act which is defined as a crime by state, federal, or common law, including terrorism as defined in Section 2331 of Title 18, United States Code. Unless injury or death was recklessly or intentionally inflicted, "crime" does not include an act involving the operation of a motor vehicle, boat, or aircraft.
- (7) "Recklessly or intentionally" inflicted injury or death includes, but is not limited to, injury or death resulting from an act which violates Sections 56-5-1210, 56-5-2910, 56-5-2920, or 56-5-2930 or from the use of a motor vehicle, boat, or aircraft to flee the scene of a crime in which the driver of the motor vehicle, boat, or aircraft knowingly participated.
- (8) "Victim" means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor. The term also includes a minor who is a witness to a domestic violence offense pursuant to Section 16-25-20 or Section 16-25-65.
- (9) "Intervenor" means a person other than a law enforcement officer performing normal duties, who goes to the aid of another, acting not recklessly, to prevent the commission of a crime or lawfully apprehend a person reasonably suspected of having committed a crime.
- (10) "Deputy director" means the Deputy Director of the Victim's Compensation Fund.
- (11) "Panel" means a three-member panel of the board designated by the board chairman to hear appeals.
- (12)(a) "Restitution" means payment for all injuries, specific losses, and expenses sustained by a crime victim resulting from an offender's criminal conduct. It includes, but is not limited to:

- (i) medical and psychological counseling expenses;
- (ii) specific damages and economic losses;
- (iii) funeral expenses and related costs;
- (iv) vehicle impoundment fees;
- (v) child care costs; and
- (vi) transportation related to a victim's participation in the criminal justice process.

Restitution does not include awards for pain and suffering, wrongful death, emotional distress, or loss of consortium.

Restitution orders do not limit any civil claims a crime victim may file.

Notwithstanding any other provision of law, the applicable statute of limitations for a crime victim, who has a cause of action against an incarcerated offender based upon the incident which made the person a victim, is tolled and does not expire until three years after the offender's release from the sentence including probation and parole time or three years after release from commitment pursuant to Chapter 48 of Title 44, whichever is later. However, this provision shall not shorten any other tolling period of the statute of limitations which may exist for the crime victim.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1988 Act No. 405, Section 1; 1993 Act No. 181, Section 271; 1996 Act No. 437, Section 6; 1997 Act No. 45, Section 1; 1998 Act No. 321, Section 2; 2015 Act No. 58 (S.3), Pt IV, Section 17, eff June 4, 2015.

Editor's Note

1996 Act No. 437, Section 8, eff January 1, 1997, provides as follows:

"Implementation of the changes in law effectuated by this act to Sections 16-3-1110, 16-3-1535, 17-25-322, 17-25-324, and 24-21-490 of the 1976 Code and the requirements thereunder or in any new provisions of law contained herein which would necessitate funding are contingent upon appropriations of sufficient funding by the General Assembly. Nothing herein shall relieve the various agencies and authorities within the offices of the respective clerks of court or judicial, correctional, and parole systems of this State from continuing to meet, enforce, and address those provisions of law related to restitution in effect prior to the enactment hereof."

Effect of Amendment

2015 Act No. 58, Section 17, in (8), added the last sentence, relating to Sections 16-25-20 and 16-25-65.

SECTION 16-3-1120. Director of Victim's Compensation Fund; powers and duties.

A director of the Victim's Compensation Fund must be appointed by the Governor and shall serve at his pleasure. The director is responsible for administering the provisions of this article. Included among the duties of the director is the responsibility, with approval of the South Carolina Crime Victim's Advisory Board as established in this article, for developing and administering a plan for informing the public of the availability of the benefits provided under this article and procedures for filing claims for the benefits.

The director, upon approval by the South Carolina Crime Victim's Advisory Board, has the following additional powers and duties:

- (1) to appoint a deputy director of the Victim's Compensation Fund, and staff necessary for the operation thereof, and to contract for services. The director shall recommend the salary for the deputy director and other staff members, as allowed by statute or applicable law;
- (2) the board shall promulgate regulations to carry out the provisions and purposes of this article and Article 14 of this chapter. Regulations pertaining to this article and Article 14 of this chapter in effect on July 1, 1993, shall remain in full force and effect until otherwise amended as provided by law;
- (3) to request from the Attorney General, South Carolina Law Enforcement Division, solicitors, magistrates, judges, county and municipal police departments, and any other agency or department such assistance and data as will enable the director to determine whether, and the extent to which, a claimant qualifies for awards. Any person, agency, or department listed above is authorized to provide the director with the information requested upon receipt of a request from the director. Any provision of law providing for confidentiality of juvenile records does not apply to a request of the deputy director, the director, the board, or a panel of the board pursuant to this section;
- (4) to reinvestigate or reopen previously decided award cases as the deputy director considers necessary;
- (5) to require the submission of medical records as are needed by the board, a panel of the board, or deputy director or his staff and, when necessary, to direct medical examination of the victim;
- (6) to take or cause to be taken affidavits or depositions within or without the State. This power may be delegated to the deputy director or the board or its panel;
- (7) to render each year to the Governor and to the General Assembly a written report of the activities of the Victim's Compensation Fund pursuant to this article;
- (8) to delegate the authority to the deputy director to reject incomplete claims for awards or assistance;
- (9) to render awards to victims of crime or to those other persons entitled to receive awards in the manner authorized by this article. The power may be delegated to the deputy director;
- (10) to apply for funds from, and to submit all necessary forms to, any federal agency participating in a cooperative program to compensate victims of crime;
- (11) to delegate to the board or a panel of the board on appeal matters any power of the director or deputy director.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1988 Act No. 658, Part II, Section 16; 1993 Act No. 181, Section 272.

SECTION 16-3-1130. Claims; assignment to field representative; investigation and reports.

(1) A claim, once accepted for filing and completed, must be assigned to a field representative. The field representative shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim. The investigation shall include but not be limited to an examination of police, court, and official records and reports concerning the crime and an examination of medical and hospital reports relating to the injury upon which the claim is based. All claims arising from the death of an individual as a direct result of a crime must be considered together by a single field representative.

(2) Claims must be investigated and determined, regardless of whether the alleged criminal has been apprehended, prosecuted, or convicted of any crime based upon the same incident or whether the alleged criminal has been acquitted or found not guilty of the crime in question.

(3) The field representative conducting the investigation shall file with the deputy director a written report setting forth a recommendation and his reason for the recommendation. The deputy director shall render a written decision and furnish the claimant with a copy of the decision.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1989 Act No. 181, Section 1.

SECTION 16-3-1140. Application for review of decision; appeals; subpoenas; report on review.

(1) The claimant may, within thirty days after receipt of the report of the decision of the Deputy Director, make an application in writing to the Deputy Director for review of the decision.

(2) Upon receipt of an application for review pursuant to subsection (1) of this section, the Deputy Director shall forward all relevant documents and information to the Chairman of the Crime Victim's Advisory Board. The Chairman shall appoint a three-member panel of the Board which shall review the records and affirm or modify the decision of the Deputy Director; provided, that the Chairman may order, in his discretion, that any particular case must be heard by the full Board. If considered necessary by the Board or its panel or if requested by the claimant, the Board or its panel shall order a hearing prior to rendering a decision. At the hearing any relevant evidence, not legally privileged, is admissible. The Board or its panel shall render a decision within ninety days after completion of the investigation. The action of the Board or its panel is final and nonappealable. If the Deputy Director receives no application for review pursuant to subsection (1), his decision becomes the final decision of the Victim's Compensation Fund.

(3) The Board or its panel, for purposes of this article, may subpoena witnesses, administer or cause to be administered oaths, and examine such parts of the books and records of the parties to proceedings as relate to questions in dispute.

(4) The Deputy Director shall within ten days after receipt of the Board's or panel's final decision make a report to the claimant including a copy of the final decision and the reasons why the decision was made.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1.

SECTION 16-3-1150. Emergency awards.

Notwithstanding the provisions of Section 16-3-1130, if it appears to the deputy director that the claim is one with respect to which an award probably will be made and undue hardship will result to the claimant, if immediate payment is not made, the deputy director may make one or more emergency awards to the claimant pending a final decision in the case, provided that (a) the amount of each emergency award shall not exceed five hundred dollars, (b) the total amount of such emergency awards shall not exceed one thousand dollars, (c) the amount of such emergency awards must be deducted from any final award made to the claimant, and (d) the excess of the amount of any emergency award over the amount of the final award, or the full amount of any emergency award if no final award is made, must be repaid by the claimant to the Victim's Compensation Fund as created by this article.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1986 Act No. 540, Part II, Section 27A.

SECTION 16-3-1160. South Carolina Crime Victim's Advisory Board; appointments; terms of office; vacancies in office; meetings; subsistence, mileage, and per diem.

There is created a board to be known as the South Carolina Crime Victim's Advisory Board to consist of eleven members to be appointed by the Governor. Of the original seven members, at least two of the members shall have been admitted to practice law in this State for not less than five years next preceding their appointment, one member shall be a physician licensed to practice medicine under the laws of this State, and one member shall have at least four years' administrative experience in a court-related Victim's Assistance Fund, provided that such a qualified person is available. Of the four additional members, one must be a law enforcement officer with at least five years' administrative experience, one shall have at least five years' experience in directing sexual assault prevention or treatment services, one shall have at least five years' experience in providing services for domestic violence victims, and one shall have been a victim of crime.

The term of office of each appointed member is five years and until his successor is appointed and qualified. Of those seven members first appointed, two shall serve for a term of one year, two for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, with the initial terms to be designated by the Governor when making the initial appointments. The initial terms of four additional members to be appointed as provided herein are for two, three, four, and five years, respectively, the initial term of each member to be designated by the Governor when making the appointment. The Governor shall select a chairman. The board may elect a secretary and other officers as deemed necessary.

Any vacancy must be filled for the remainder of the unexpired term by appointment in the same manner of the initial appointments.

The board shall meet at least twice each year and must be subject to the call of the chairman, to consider improvements in and monitor the effectiveness of the Victim's Compensation Fund, and to review and comment on the budget and approve the regulations pertaining to the Victim's Compensation Fund of this article and the Victim/Witness Assistance Program of Article 14 of this chapter. The members of the board shall receive the same subsistence, mileage, and per diem as is provided by law for members of state boards, committees, and commissions, to be paid from the Victim's Compensation Fund as created by this article.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 2008 Act No. 273, Section 4, eff June 4, 2008.

SECTION 16-3-1170. Basis for award.

(A) No award may be made unless:

- (1) a crime was committed;
- (2) the crime directly resulted in physical or psychic trauma to the victim;
- (3) the crime was promptly reported to the proper authority and recorded in police records; and
- (4) the claimant or other award recipient has fully cooperated with all law enforcement agencies and with the South Carolina Victim's Compensation Fund.

(B) For the purposes of item (3) of subsection (A), a crime reported more than forty-eight hours after its occurrence is not "promptly reported", absent a showing of special circumstances or causes which justify the delay.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1988 Act No. 405, Section 2.

SECTION 16-3-1180. Amount of award; apportionment among multiple claimants; rejection of application for award.

(A) An award may be made for:

- (1) reasonable and customary charges as periodically determined by the board for medical services, including mental health counseling, required and rendered as a direct result of the injury on which the claim is based, as long as these services are rendered by a licensed professional. Payment for mental health counseling is limited to the number of sessions during a one hundred eighty-day period beginning on the date of the first counseling session or twenty sessions, whichever is greater. Upon recommendation of the director, the board may allow victims who max out the current benefit of twenty mental health counseling sessions to request up to an additional twenty sessions for a total of forty sessions;
- (2) reasonable and customary charges as periodically determined by the board for other services required and rendered as a direct result of the injury upon which the claim is based, as long as the service is rendered by a professional or paraprofessional who holds a license, certificate, or other documentary evidence of specific training and qualification in a field of service which, by regulation, the board recognizes as a service required by and beneficial to crime victims;

(3) loss of earning or support, provided that:

(a) claimant is deprived of that income for at least two consecutive weeks;

(b) the loss is not reimbursable;

(c) the amount may not exceed the maximum rate provided in Section 42-1-50;

(d) conditions (a), (b), and (c) may be waived in severe hardship cases;

(4) reasonable and customary charges for employment-oriented retraining or rehabilitative services incurred as a direct result of the injury; and

(5) burial expenses not to exceed four thousand dollars.

(B) If there are two or more family members as specified in Section 16-3-1210(c) who are entitled to an award as a result of the death of a person, the award must be apportioned among the claimants; however, the amount awarded for burial expenses must be paid to or on behalf of the person who has paid or is responsible for that expense.

(C) The aggregate of award to and on behalf of victims may not exceed fifteen thousand dollars unless the Crime Victim's Advisory Board, by two-thirds vote, and the director concur that extraordinary circumstances exist. In this case, the award may not exceed twenty-five thousand dollars.

(D) An award may be made only if and to the extent that the amount of compensable loss exceeds one hundred dollars; however, this limitation may be waived in the interest of justice and must be waived upon a showing that the claimant is at least sixty-five years old.

(E) A previously decided award may be reopened for the purpose of increasing the compensation previously awarded, subject to the maximum provided in this article. In this case the State Office of Victim Assistance shall send immediately to the claimant a copy of the notice changing the award. This review may not affect the award as regards any monies paid, and the review may not be made after eighteen months from the date of the last payment of compensation pursuant to an award under this article unless the director determines there is a need to reopen the case as specified in Section 16-3-1120(4).

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1986 Act No. 540, Part II, Sections 27B, 2C; 1988 Act No. 406; 1990 Act No. 480, Section 1; 1991 Act No. 144, Section 1; 1995 Act No. 83, Section 12; 1996 Act No. 458, Part II, Section 51A; 2008 Act No. 271, Section 1, eff January 1, 2009.

SECTION 16-3-1190. Reduction of award.

Any award made pursuant to this article may be reduced by or set off by the amount of any payments received or to be received as a result of the injury (a) from or on behalf of the person who committed the crime, (b) from any other private or public source, including an award of workers' compensation pursuant to the laws of this State or (c) as an emergency award pursuant to Section 16-3-1150; provided, that private sources shall not include contributions received from family members, or persons or private organizations making charitable donations to a victim.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1

SECTION 16-3-1200. Conduct of victim or intervenor contributing to infliction of injury; reduction of award; rejection of claim.

In determining the amount of an award, the Deputy Director, the Board, or its panel shall determine whether because of his conduct the victim or intervenor of such crime contributed to the infliction of his injury, and the Deputy Director, the Board, or its panel may reduce the amount of the award or reject the claim altogether in accordance with such determination; provided, however, the Deputy Director, the Board, or its panel may disregard for this purpose the contribution of an intervenor for his own injury or death where the record shows that the contribution was attributable to efforts by the intervenor as set forth in subsection (8) of Section 16-3-1110.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1.

SECTION 16-3-1210. Persons eligible for award.

Except as provided in Section 16-3-1220, a victim, surviving spouse, or a parent or legally dependent child of a victim is entitled to file for benefits under this article if either:

- (a) the offense was committed in this State; or
- (b) the victim was a resident of this State when the crime was committed in either another state or outside the United States if the crime is terrorism. In either case the award payable under this article must be reduced by the amount paid or payable under the laws of another state as a result of the criminal act giving rise to the claim; or
- (c) the victim was a resident of this State when the offense was committed in another state. In any case, the award payable under this article must be reduced by the amount paid or payable under the laws of another state as a result of the criminal act giving rise to the claim.

A surviving spouse, parent, or legally dependent child is not entitled to file for benefits under this section if that person is the subject of an investigation, has been charged with, convicted of, or pled guilty or nolo contendere to the offense in question, or acted on behalf of the suspect, juvenile offender, or defendant.

HISTORY: 1982 Act No. 455 Section 2. 1984 Act No. 489, Section 1; 1989 Act No. 181, Section 2; 1997 Act No. 45, Section 2; 1997 Act No. 141, Section 2.

SECTION 16-3-1220. Persons ineligible for award.

A person listed in Section 16-3-1210(1) is not eligible to recover under this article if the person:

- (1) committed or aided in the commission of the crime upon which the claim is based or engaged in other unlawful activity which contributed to or aggravated the resulting injury;
- (2) is the surviving parent, spouse, or dependent of a deceased victim who would have been barred by subsection (1) had he survived;
- (3) is a dependent of the offender who committed the crime upon which the claim is based, and the offender would be a principal beneficiary of the award.

HISTORY: 1982 Act No. 455, Section 2. 1984 Act No. 489, Section 1; 1989 Act No. 181, Section 3; 1991 Act No. 144, Section 2.

SECTION 16-3-1230. Claim filed on behalf of minor or incompetent; time limitations.

- (1) A claim may be filed by a person eligible to receive an award, as provided in Section 16-3-1210 , or, if the person is an incompetent or a minor, by his parent or legal guardian or other individual authorized to administer his affairs.
- (2) A claim must be filed by the claimant not later than one hundred eighty days after the latest of the following events:
 - (a) the occurrence of the crime upon which the claim is based;
 - (b) the death of the victim;
 - (c) the discovery by the law enforcement agency that the occurrence was the result of crime; or
 - (d) the manifestation of a mental or physical injury is diagnosed as a result of a crime committed against a minor.
- (3) Upon good cause shown, the time for filing may be extended for a period not to exceed four years after the occurrence, diagnosed manifestation, or death. "Good cause" for the above purposes includes reliance upon advice of an official victim assistance specialist who either misinformed or neglected to inform a victim of rights and benefits of the Victim's Compensation Fund but does not mean simply ignorance of the law.
- (4) Claims must be filed in the office of the director by conventional mail, facsimile, in person, or through another electronic submission mechanism approved by the director. The director shall accept for filing all claims submitted by persons eligible pursuant to subsection (1) and meeting the requirements as to the form of the claim contained in the regulations of the board.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1989 Act No. 181, Section 4; 2006 Act No. 380, Section 5, eff upon approval (became law without the Governor's signature on June 14, 2006); 2008 Act No. 271, Section 2, eff January 1, 2009.

SECTION 16-3-1240. Disclosure of records as to claims; confidentiality; applicability of Freedom of Information Act.

It is unlawful, except for purposes directly connected with the administration of the victim's compensation program, for any person to solicit, disclose, receive, or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards hereunder without the written consent of the applicant or recipient. The records, papers, files, and communications of the Board, its panel and the Director and his staff must be regarded as confidential information and privileged and not subject to disclosure under the Freedom of Information Act as contained in Chapter 3 of Title 30.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1.

SECTION 16-3-1250. Subrogation of State to right of action accruing to claimant, victim, or intervenor.

Payment of an award pursuant to this article subrogates the State to the extent of the payment to any right of action accruing to the claimant or to the victim or intervenor to recover losses resulting from the crime with respect to which the award is made, except that subrogation shall not reduce the financial recovery by the victim, claimant, or intervenor to less than one hundred percent of actual losses or expenses. The subrogation amount must be reduced if there is a jury award or judicial award in a bench trial, which results in a loss to the victim, claimant, or intervenor. Subrogation shall not be reduced if the action is terminated other than by a jury award or judicial award in a bench trial.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1996 Act No. 458, Part II, Section 51B.

SECTION 16-3-1260. Reimbursement of State by convicted person for payment by State Office of Victim Assistance.

- (1) A payment of benefits to, or on behalf of, a victim or intervenor, or eligible family member under this article creates a debt due and owing to the State by a person as determined by a court of competent jurisdiction of this State, who has committed the criminal act.
- (2) The Circuit Court, when placing on probation a person who owes a debt to the State as a consequence of a criminal act, may set as a condition of probation the payment of the debt or a portion of the debt to the State. The court also may set the schedule or amounts of payments subject to modification based on change of circumstances.
- (3) The Department of Probation, Parole, and Pardon Services shall also have the right to make payment of the debt or a portion of the debt to the State a condition of parole or community supervision.
- (4) When a juvenile is adjudicated delinquent in a Family Court proceeding involving a crime upon which a claim under this article can be made, the Family Court, in its discretion, may order that the juvenile pay the debt to the State Office of Victim Assistance, as created by this article, as an adult would have to pay had an adult committed the crime. Any assessments ordered may be made a condition of probation as provided in Section 63-19-1410.

(5) Payments authorized or required under this section must be paid to the State Office of Victim Assistance. The Director of the State Office of Victim Assistance shall coordinate the development of policies and procedures for the South Carolina Department of Corrections, the Department of Juvenile Justice, the South Carolina Office of Court Administration, the Department of Probation, Parole, and Pardon Services, and the South Carolina Board of Probation, Parole, and Pardon Services to assure that victim restitution programs are administered in an effective manner to increase payments into the State Office of Victim Assistance.

(6) Restitution payments to the State Office of Victim Assistance may be made by the Department of Corrections from wages accumulated by offenders in its custody who are subject to this article, except that offenders' wages must not be used for this purpose if monthly wages are at or below minimums required to purchase basic necessities.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1995 Act No. 83, Section 13.

SECTION 16-3-1270. Restitution by offender; lien against offender; filing of lien.

If a person is unable at the time of sentencing or at any other time the court may set to pay a restitution charge imposed by the court pursuant to Sections 24-23-210 through 24-23-230, such restitution charge shall constitute a lien against the offender and against any real or personal property of the offender. A restitution charge shall not constitute a lien if it is waived by the Director pursuant to Section 24-23-210. Such lien may be filed by the Attorney General in the respective offices of the clerks of court and registers of deeds of this State in the same manner state tax liens are filed and may be enforced and collected by the Attorney General in the same manner state tax liens are enforced and collected.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1997 Act No. 34, Section 1.

Editor's Note

Section 24-23-210 was repealed by 1994 Act No. 497, Part II Section 36.U, and section 24-23-220 was repealed by 1996 Act No. 292, Section 6.

SECTION 16-3-1280. False claim; penalties.

Any person who knowingly makes a false claim or a false statement in connection with any claim hereunder is guilty of a misdemeanor and upon conviction must be punishable by a fine of not less than five hundred dollars or by a term of imprisonment for not less than one year, or both, and shall further forfeit all money received hereunder, if any.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1.

SECTION 16-3-1290. Victim's Compensation Fund; payment of claims, expenses and administrative costs.

(1) There is hereby created a special fund to be known as the Victim's Compensation Fund for the purpose of providing for the payment of all necessary and proper expenses incurred by the operation of the Victim's Compensation Fund and the payment of claims. The State Treasurer is the custodian of the fund and all monies in the fund are held by the State Treasurer.

(2) The funds placed in the Victim's Compensation Fund shall consist of all money appropriated by the General Assembly, if any, for the purpose of compensating claimants under this article and money recovered on behalf of the State pursuant to this article by subrogation or other action, recovered by court order, received from the federal government, received from additional court costs, received from assessments or fines, or received from any other public or private source, pursuant to this article.

(3) All administrative costs of this article, except the Director's salary, must be paid out of money collected pursuant to this article which has been deposited in the Victim's Compensation Fund.

(4) Interest earned on all monies held in the Victim's Compensation Fund shall be remitted to the general fund of the State.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1984 Act No. 512, Part II, Section 73.

SECTION 16-3-1300. Payment of award; exemption from garnishment, execution, or attachment.

Any award made under this article must be paid in accordance with the discretion and decision of the Deputy Director as to the manner of payment, subject to the regulations of the board and not inconsistent with the Board's or panel's award. No award made pursuant to this article is subject to garnishment, execution, or attachment other than for expenses resulting from the injury which is the basis for the claim. In every case providing for an award to a claimant under this article, the Deputy Director, the Board or its panel may, if in its opinion the facts and circumstances of the case warrant it, convert the award to be paid into a partial or total lump sum, without discount.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1.

SECTION 16-3-1310. Payment of award to victim or intervenor confined in correctional facility.

No award of any kind must be made under this article to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison, or other correctional facility.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1.

SECTION 16-3-1320. Payment of award as not constituting ordinary income for tax purposes.

An award made pursuant to this article shall not constitute a payment which is treated as ordinary income under either the provisions of Chapter 7 of Title 12 of the 1976 Code, or to the extent lawful, under the United States Internal Revenue Code.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1.

SECTION 16-3-1330. Insufficient funds for payment of claims.

When the director determines that projected revenue in any fiscal year will be insufficient to pay projected claims or awards in the amounts provided herein, he shall reduce the amount of all claims or awards by an amount equal to the ratio of projected revenue to the total projected claims or awards cost. When these reductions are required, the director shall inform the public through the media of the reductions as promptly as possible. The reductions apply to all claims or awards not paid as of the effective date of the reductions order.

Any award hereunder is specifically not a claim against the State if it cannot be paid due to a lack of funds in the Victim's Compensation Fund.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1988 Act No. 367, Section 1.

SECTION 16-3-1340. Attorney for claimant; fees; attorney for State Office of Victim Assistance; soliciting employment to pursue claim or award; penalties.

A claimant may be represented by an attorney in proceedings under this article. Fees for such attorney must be paid from the Victim's Compensation Fund, subject to the approval of the Director, except that in the event of an appeal pursuant to Section 16-3-1140, attorneys' fees are subject to the approval of the Board or its panel hearing the appeal. Attorneys for the South Carolina State Accident Fund shall represent the South Carolina Victim's Compensation Fund in proceedings under this article.

Any person who receives any fee or other consideration or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the Deputy Director, or who makes it a business to solicit employment for a lawyer or for himself in respect to any claim or award for compensation is guilty of a misdemeanor and, upon conviction must for each offense, be punished by a fine of not more than five hundred dollars or by imprisonment not to exceed one year, or by both such fine and imprisonment.

HISTORY: 1982 Act No. 455, Section 2; 1984 Act No. 489, Section 1; 1993 Act No. 181, Section 996.

SECTION 16-3-1350. *Medicolegal examinations for victims of criminal sexual conduct or child sexual abuse.*

(A) The State must ensure that a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse must not bear the cost of his or her routine medicolegal exam following the assault.

(B) These exams must be standardized relevant to medical treatment and to gathering evidence from the body of the victim and must be based on and meet minimum standards for rape exam protocol as developed by the South Carolina Law Enforcement Division, the South Carolina Hospital Association, and the Governor's Office Division of Victim Assistance with production costs to be paid from funds appropriated for the Victim's Compensation Fund. These exams must include treatment for sexually transmitted diseases, and must include medication for pregnancy prevention if indicated and if desired. The South Carolina Law Enforcement Division must distribute these exam kits to any licensed health care facility providing sexual assault exams. When dealing with a victim of criminal sexual assault, the law enforcement agency immediately must transport the victim to the nearest licensed health care facility which performs sexual assault exams. A health care facility providing sexual assault exams must use the standardized protocol described in this subsection.

(C) A licensed health care facility, upon completion of a routine sexual assault exam as described in subsection (B) performed on a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse, may file a claim for reimbursement directly to the South Carolina Crime Victim's Compensation Fund if the offense occurred in South Carolina. The South Carolina Crime Victim's Compensation Fund must develop procedures for health care facilities to follow when filing a claim with respect to the privacy of the victim. Health care facility personnel must obtain information necessary for the claim at the time of the exam, if possible. The South Carolina Crime Victim's Compensation Fund must reimburse eligible health care facilities directly.

(D) The Governor's Office Division of Victim Assistance must utilize existing funds appropriated from the general fund for the purpose of compensating licensed health care facilities for the cost of routine medical exams for sexual assault victims as described above. When the director determines that projected reimbursements in a fiscal year provided in this section exceed funds appropriated for payment of these reimbursements, he must direct the payment of the additional services from the Victim's Compensation Fund. For the purpose of this particular exam, the one hundred dollar deductible is waived for award eligibility under the fund. The South Carolina Victim's Compensation Fund must develop appropriate guidelines and procedures and distribute them to law enforcement agencies and appropriate health care facilities.

HISTORY: 1997 Act No. 141, Section 1; 2009 Act No. 59, Section 5, eff June 2, 2009.

APPENDIX C

Laws Governing SOVA and Restitution/Subrogation SC Code of Law: Sections 16-3-1400 to Sections 16-3-1420

ARTICLE 14

Victim Assistance Program

SECTION 16-3-1400. Definitions.

For purposes of this article:

(1) "Victim service provider" means a person:

(a) who is employed by a local government or state agency and whose job duties involve providing victim assistance as mandated by South Carolina law; or

(b) whose job duties involve providing direct services to victims and who is employed by an organization that is incorporated in South Carolina, holds a certificate of authority in South Carolina, or is registered as a charitable organization in South Carolina, and the organization's mission is victim assistance or advocacy and the organization is privately funded or receives funds from federal, state, or local governments to provide services to victims.

"Victim service provider" does not include a municipal court judge, magistrates court judge, circuit court judge, special circuit court judge, or family court judge.

(2) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding is commenced.

HISTORY: 1984 Act No. 489, Section 2; 1988 Act No. 405, Section 3; 2008 Act No. 271, Section 3, eff January 1, 2009; 2010 Act No. 293, Section 1, eff August 27, 2010.

SECTION 16-3-1410. Victim assistance services; membership of Victim Services Coordinating Council.

(A) The Victim Compensation Fund is authorized to provide the following victim assistance services, contingent upon the availability of funds:

(1) provide information, training, and technical assistance to state and local agencies and groups involved in victim and domestic violence assistance, such as the Attorney General's Office, the solicitors' offices, law enforcement agencies, judges, hospital staff, rape crisis centers, and spouse abuse shelters;

(2) provide recommendations to the Governor and General Assembly on needed legislation and services for victims;

(3) serve as a clearinghouse of victim information;

(4) develop ongoing public awareness and programs to assist victims, such as newsletters, brochures, television and radio spots and programs, and news articles;

(5) provide staff support for a Victim Services Coordinating Council representative of all agencies and groups involved in victim and domestic violence services to improve coordination efforts, suggest policy and procedural improvements to those agencies and groups as needed, and recommend needed statutory changes to the General Assembly; and

(6) coordinate the development and implementation of policy and guidelines for the treatment of victims with appropriate agencies.

(B) The Victim Services Coordinating Council shall consist of the following twenty-two members:

(1) the director of the State Office of Victim Assistance, or his designee;

(2) the director of the South Carolina Department of Probation, Parole and Pardon Services, or his designee;

(3) the director of the South Carolina Department of Corrections, or his designee;

(4) the director of the South Carolina Department of Juvenile Justice, or his designee;

(5) the director of the South Carolina Commission on Prosecution Coordination, or his designee;

(6) the Governor's Crime Victims' Ombudsman, or his designee;

(7) the director of the South Carolina Sheriffs' Association, or his designee;

(8) the president of the South Carolina Police Chiefs Association, or his designee;

(9) the president of the South Carolina Jail Administrators' Association, or his designee;

(10) the president of the Solicitors' Advocate Forum, or his designee;

(11) the president of the Law Enforcement Victim Advocate Association, or his designee;

(12) the director of the South Carolina Coalition Against Domestic Violence and Sexual Assault, or his designee;

(13) the Attorney General, or his designee;

(14) the administrator of the Office of Justice Programs, Department of Public Safety, or his designee;

(15) four representatives appointed by the State Office of Victim Assistance for a term of two years and until their successors are appointed and qualified for each of the following categories:

- (a) one representative of university or campus services;
- (b) one representative of a statewide crime victim organization;
- (c) one representative of a statewide child advocacy organization; and
- (d) one crime victim; and

(16) four at-large seats elected upon two-thirds vote of the other eighteen members of the Victim Services Coordinating Council for a term of two years and until their successors are appointed and qualified, at least one of whom must be a crime victim and two of which must be representatives of community-based nongovernmental organizations.

The Victim Services Coordinating Council shall solicit input on issues affecting relevant stakeholders when those stakeholders are not explicitly represented. The Victim Services Coordinating Council shall meet at least four times per year.

HISTORY: 1984 Act No. 489, Section 2; 2008 Act No. 271, Section 3, eff January 1, 2009.

SECTION 16-3-1420. Director.

The director of the State Victim Assistance Program is the director of the South Carolina State Office of Victim Assistance.

HISTORY: 1984 Act No. 489, Section 2; 2008 Act No. 271, Section 3, eff January 1, 2009.

APPENDIX D

Laws Governing SOVA and Restitution/Subrogation SC Code of Law: Section 17-22-140 and 17-25- 322

SECTION 17-22-140. Restitution to victim.

Prior to the completion of the pretrial intervention program the offender shall make restitution, as determined by the solicitor, to the victim, if any.

HISTORY: 1980 Act No. 360, Section 15.

SECTION 17-25-322. Restitution to crime victim by person convicted of crime; hearing; determination of method, manner, and amount; entry of order.

(A) When a defendant is convicted of a crime which has resulted in pecuniary damages or loss to a victim, the court must hold a hearing to determine the amount of restitution due the victim or victims of the defendant's criminal acts. The restitution hearings must be held unless the defendant in open court agrees to the amount due, and in addition to any other sentence which it may impose, the court shall order the defendant make restitution or compensate the victim for any pecuniary damages. The defendant, the victim or victims, or their representatives or the victim's legal representative as well as the Attorney General and the solicitor have the right to be present and be heard upon the issue of restitution at any of these hearings.

(B) In determining the manner, method, or amount of restitution to be ordered, the court may take into consideration the following:

- (1) the financial resources of the defendant and the victim and the burden that the manner or method of restitution will impose upon the victim or the defendant;
- (2) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;
- (3) the anticipated rehabilitative effect on the defendant regarding the manner of restitution or the method of payment;
- (4) any burden or hardship upon the victim as a direct or indirect result of the defendant's criminal acts;
- (5) the mental, physical, and financial well-being of the victim.

(C) At the restitution hearings, the defendant, the victim, the Attorney General, the solicitor, or other interested party may object to the imposition, amount or distribution of restitution, or the manner or method of them, and the court shall allow all of these objections to be heard and preserved as a matter of record. The court shall enter its order upon the record stating its findings and the underlying facts and circumstances of them. The restitution order shall specify a monthly payment schedule that will result in full payment for both restitution and collection fees by the end of eighty percent of the offender's supervision period. In the absence of a monthly payment schedule, the Department of Probation, Parole, and Pardon Services shall impose a payment schedule of equal monthly payments that will result in full restitution and collections fee being paid by the end of eighty percent of an offender's supervision period. The department, through its agents, must initiate legal process to bring every probationer, whose

restitution is six months in arrears, back to court, regardless of wilful failure to pay. The judge shall make an order addressing the probationer's failure to pay.

(D) All restitution funds, excluding the twenty percent collection fee, collected before or after the effective date of this section that remain unclaimed by a crime victim for more than eighteen months from the day of last payment received must be transferred to the South Carolina Victims' Compensation Fund, notwithstanding the Uniform Unclaimed Property Act of 1981.

(E) An offender may not be granted a pardon until the restitution and collection fees required by the restitution order have been paid in full.

HISTORY: 1993 Act No. 140, Section 1; 1996 Act No. 437, Section 2.

Editor's Note

1996 Act No. 437, Section 8, eff January 1, 1997, provides as follows:

"Implementation of the changes in law effectuated by this act to Sections 16-3-1110, 16-3-1535, 17-25-322, 17-25-324, and 24-21-490 of the 1976 Code and the requirements thereunder or in any new provisions of law contained herein which would necessitate funding are contingent upon appropriations of sufficient funding by the General Assembly. Nothing herein shall relieve the various agencies and authorities within the offices of the respective clerks of court or judicial, correctional, and parole systems of this State from continuing to meet, enforce, and address those provisions of law related to restitution in effect prior to the enactment hereof."

APPENDIX E

July 2015 – December 2015 Reports

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August 10, 2014

SOVA FY 2016 FM 2 August

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Check Register September FY 2015

September 14, 2015	Defendant Name	County	Date Rcvd	Check Date	CHECK#	PI SECT	PI/Victim Rest	Rest	Subrog	Refund	Unclaim Rest Rec'd	Juv Just. Rest.	Cancel Chks	Unclaim Refund	Jv J'st Rest Uncl.
SOVA FY 2015 FM 3 September															
Check Receipt Journal															
SC Dept of Probation, Parole & Pardon Svcs	Blackley			9/9/15	00000009			2,000.00							
Godard				9/2/15	00000004			24.45							
Carr				9/3/15	00000005			2.04							
Law Firm				9/11/15	00000006			10.00							
Sumter County Development				9/8/15	00000007				4,000.00						
SC Dept of Juvenile Justice				9/11/15	00000008						5.73	20.00			
Refund/Cancelled Checks State Funds															
Refund/Cancelled Checks Federal Funds															
Total Restitution	41,792.22														
Total Revenue						5,526.29	0.00	2,036.49	4,000.00	250.00	35,735.73	20.00	0.00	0.00	0.00

Check Register September FY 2015

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Check Register October FY2015

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Check Register October FY2015[illegible]

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Check Register October FY2015[illegible]

[illegible]

Check Register November FY 2015

[illegible]

Check Register November FY 2015[illegible]

Week of Dec. 28, 2015
Jan. 1, 2016

Check Register January FY15

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APPENDIX II

July 2016 – December 2016 Reports

[illegible]

[illegible]

[illegible]

[illegible]

August 15, 2016	Defendant Name	County	Check Date	CHECK#	PI SECT	PI/Victim Rest	Rest	Subrog	Unclaim Rest Rec'd	Juv Just. Rest.	Cancel Chks	Unclaim Refund	Jv J'st Rest Uncl.
SOVA FY 2017 FM 2 August													
Check Receipt Journal													
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	York	8/10/16	[REDACTED]			83.34						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Greenville	8/4/16	[REDACTED]			225.01						
SC Dept of Probation, Parole & Pardon Svcs	**See Attached**	Spartanburg	8/5/16	[REDACTED]			83.34						
SC Dept of Probation, Parole & Pardon Svcs	**See Attached**	Spartanburg	8/3/16	[REDACTED]			83.34						
[REDACTED] Blackley	[REDACTED]		8/9/16	[REDACTED]			94.42						
[REDACTED] Carr	[REDACTED]		8/5/16	[REDACTED]			10.00						
County of Spartanburg	[REDACTED]		8/4/16	[REDACTED]			1,858.00						
[REDACTED] Davis	[REDACTED]		7/5/16	[REDACTED]			30.00						
[REDACTED] Davis	[REDACTED]		6/21/16	[REDACTED]			65.00						
Seneca Municipal Court	[REDACTED]		8/12/16	[REDACTED]			310.00						
Attorney [REDACTED]	[REDACTED]		8/11/16	[REDACTED]				2,500.00					
Refund/Cancelled Checks State Funds	[REDACTED]												
Refund/Cancelled Checks Federal Funds	[REDACTED]												
Total Restitution	5,342.45												
Total Revenue	19,482.99				3,006.02	0.00	2,842.45	2,500.00	0.00	0.00	0.00	0.00	0.00

[illegible]

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[illegible]

[illegible]

October 31, 2016	Defendant Name	County	Check Date	CHECK#	Pt/Victim Rest	Rest	Subrog	Unclaim Rest Rec'd	Juv Just. Rest.	Cancel Chks	Unclaim Refund	Jv J'st Rest Uncl.
SOVA FY 2017 FM 5 November												
Check Receipt Journal												
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Greenwood	10/27/16	[REDACTED]		83.34						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Pickens	10/27/16	[REDACTED]		106.60						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Spartanburg	10/26/16	[REDACTED]		125.00						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	York	10/26/16	[REDACTED]		58.34						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	York	10/26/16	[REDACTED]		118.26						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Greenville	10/26/16	[REDACTED]		625.01						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Greenville	10/25/16	[REDACTED]		409.51						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Cherokee	10/24/16	[REDACTED]		67.04						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	York	10/25/16	[REDACTED]		66.67						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Richland	10/25/16	[REDACTED]		100.76						
SC Dept of Probation, Parole & Pardon Svcs	Multiple**	Spartanburg	10/28/16	[REDACTED]		70.84						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Charleston	10/27/16	[REDACTED]		108.34						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Greenville	10/27/16	[REDACTED]		408.34						
SC Dept of Probation, Parole & Pardon Svcs	Multiple**	Spartanburg	10/31/16	[REDACTED]		266.67						
SC Dept of Probation, Parole & Pardon Svcs	[REDACTED]	Allendale	11/3/16	[REDACTED]		72.46						
[REDACTED] Blackley, Clerk of Court	[REDACTED]		10/7/16	[REDACTED]		60.12						
[REDACTED] Armstrong	[REDACTED]		10/25/16	[REDACTED]		50.00						
[REDACTED] Law Offices LLC	[REDACTED]		9/23/16	[REDACTED]			5,391.97					
[REDACTED] LLC	[REDACTED]		10/28/16	[REDACTED]			7,786.70					
Total Restitution	15,975.97											
Total Revenue	41,697.73				0.00	2,797.30	13,178.67	0.00	0.00	0.00	0.00	0.00

[illegible]

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APPENDIX G

General Sessions and Magistrate Court Order Forms

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF _____

STATE _____

VS.

INDICTMENT/CASE#: _____ -GS- _____ - _____

AKA: _____

A/W#: _____

Race: _____

Sex: _____

Age: _____

Date of Offense: _____

DOB: _____

SS#: _____

S.C. Code §: _____

Address: _____

CDR Code #: _____

City, State, Zip: _____

SENTENCE SHEET

DL# _____ * SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was TO: _____

☐ CONVICTED OF or ☐ PLEADS

In violation of § _____ of the S.C. Code of Laws, bearing CDR Code # _____

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor _____ SC Bar # _____ Defendant _____ Attorney for Defendant _____ SC Bar # _____

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center, for a determinate term of _____ days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling ☐

§14-1-206 (Assessments 107.5%) _____ \$ _____

Random Drug/Alcohol Testing ☐

§14-1-211 (A)(1)(Conv. Surcharge) \$100 _____ \$ _____

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 _____ \$ _____

pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 _____ \$ _____

\$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 _____ \$ _____

Other: _____

Proviso 47.9 (Public Def/Prob) \$500 _____ \$ _____

§14-1-212 (Law Enforce. Funding) \$25 _____ \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea _____ \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 _____ \$ _____

☐ Appointed PD or appointed other counsel,
\$47.12 requires \$500 be paid to Clerk
during probation.

% to County (if paid in installments) \$ _____ \$ _____

TOTAL _____ \$ _____

Presiding Judge _____

Clerk of Court/Deputy Clerk _____

Judge Code: _____

Court Reporter: _____

Sentence Date _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

IN THE MAGISTRATES COURT

VS.

DEFENDANT(S)

ORDER OF RESTITUTION
TO STATE OFFICE OF
VICTIMS ASSISTANCE

TICKET/WARRANT NUMBER

Defendant in the above named case was found/pled guilty or nolo contendere of the charge of _____ and, in addition to any sentence imposed, is ordered by this Court to pay restitution in the amount of \$ _____. The ordered restitution is reimbursement for monies expended on behalf of the Victim, _____, by the State Office of Victims Assistance, as a direct result of defendant's criminal misconduct. Pursuant to § 22-3-550, ordered restitution may not exceed \$5,000.00 and an itemization of the amount of restitution is attached hereto and made a part of this Order.

Payments shall be made in the amount of \$ _____ per month/week, or paid in full by _____. Defendant shall make payment by cashier's check or money order in the name of the State Office of Victims Assistance and mailed to: SOVA, Restitution Department, 1205 Pendleton Street, Room 401, Columbia, South Carolina, 29201. Personal checks or cash will not be accepted by mail.

Failure to pay the above stated amount of Restitution within the time provided may result in contempt of court, punishable by a fine not to exceed \$500.00, or imprisonment not to exceed thirty days, or both.

Special Instructions as Ordered:

Signature of Presiding Judge

Date

APPENDIX III

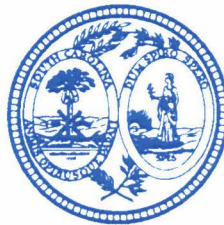
Brochures

SOVA

Our Mission

The mission of SOVA is to assist eligible crime victims and their families in putting the pieces of their lives back together.

SOVA will also provide training regarding its services to victims, law enforcement, agencies, crime victims advocates, and the public.



State Office of Victim Assistance
Edgar Brown Building, Room 401
1205 Pendleton Street
Columbia, SC 29201

Phone: 803.734.1900
Fax: 803.734.1708

Victims' Line: 1.800.220.5370
(8:30am - 5pm, M - F)

<http://www.sova.sc.gov>

SOVA



SOUTH CAROLINA
State Office of
Victim Assistance

Rooted in *justice*
Guided by *law*
Propelled by *humanity*

Who we are...

Who we are ...

The State Office of Victim Assistance is committed to providing comfort, assistance and guidance to victims of crime and service providers throughout the state. Government is about leadership, and this office is uniquely equipped to provide just that through the Crime Victims' Compensation Fund. SOVA shares the responsibility in making sure victims get the help they need and are treated with respect and dignity.

We have provided assistance to many thousands of victims of crime for over 20 years. SOVA staff are dedicated to providing assistance in a manner where individuals will not have to relive the pain which caused them to initially contact SOVA. It is our goal to ensure that the privacy, dignity and general well-being of victims of crime are protected and respected during this process.

Those who prey on innocent citizens must be held accountable through the course of the criminal justice system and should be punished accordingly. As traumatic and painful as it may be, in order to ensure justice for all, victims of crime must be willing to participate in the criminal justice process in order for the perpetrator to receive the just punishment. It is during this most difficult period of time that court advocates and SOVA can be a comfort to those of you who are suffering.

While we hope that you or someone you love will never become a victim of crime, in the event that you do, we ask that you contact this office immediately so that we can help begin the healing process.

Enabling Legislation

SECTION 14-1-203 ~ SECTION 14-1-208

Describes the various courts in the South Carolina Court System (Magistrate, General Sessions, Family and Municipal) and how money is flowed from these courts to help fund SOVA.

SECTION 16-3-1110 ~ SECTION 16-3-1350

Spells out the legal definitions of crime and award, eligibility process and awarding claims.

SECTION 16-3-1400 ~ SECTION 16-3-1420

Introduces the Victim/Witness Assistance program at SOVA (additional law in SECTION 16-3-1505 ~ SECTION 16-3-1565)

Find complete SC Code of Laws at:
www.scstatehouse.net

SOVA: <http://www.sova.sc.gov>

SOVA FACTS

- The SC Victims' Compensation Fund was established in 1982 under the Worker's Compensation Fund to provide financial aid to innocent victims of crime and their eligible dependants.
- SOVA is primarily funded by the fines, fees and assessments paid by convicted offenders to the courts.
- The SOVA Training Team travels the state conducting free training for law enforcement, advocates, victim service and health care professionals, educators and civic groups.

Victims' Compensation Fund

SOVA can help with certain types of crime related costs. In every case, the expense has to be linked to losses from injury or death as a result of the crime.

Up to a combined total of \$15,000 for:

Medical Costs

- Doctor ordered medicine, equipment, supplies, and treatment
- Dental or orthodontic work
- Other costs such as physical rehabilitation, reconstructive surgery, and transportation to doctor appointments

Counseling (from a licensed professional)

- Clinician must confirm that trauma resulted from the crime
- Payment is based on fee schedule

Burial Bills for a Deceased Victim

- Reimbursement limit is \$4,000
- Certain funeral items may not be covered
- Copy of death certificate is required

Lost Wages / Loss of Support

- If you have lost financial support because you or the household wage-earner has been out of work for over two weeks, then you may be eligible for lost wages or lost support payments
- You may be eligible if you are the victim, the victim's dependent or spouse

*Please call us at **803.734.1900** to discuss how to safely handle this option for you.*

Contact
SOVA ...

**Restitution &
Subrogation**

**Edgar Brown Building, Room 401
1205 Pendleton Street
Columbia, SC 29201**

**Phone: 803.734.1900
Fax: 803.734.1708**

**Victims' Line: 1.800.220.5370
(8:30 am - 5 pm, Mon. - Fri.)**

<http://www.sova.sc.gov>

**South Carolina
State Office of
Victim Assistance**



SOVA
**State Office of
Victim Assistance**

SOVA

Restitution & Subrogation

Laws Governing Restitution

Rooted in *justice*
Guided by *law*
Propelled by *humanity*

In 1983, the South Carolina Crime Victims' Act was passed creating the State Office of Victim Assistance (SOVA) and the Crime Victim's Compensation Fund. The Fund was placed under the administration of the State Office of Victim Assistance in 1989. Effective July 1st, 2015, SOVA was removed from the Governor's Office.

SOVA provides support and advocacy, as well as financial assistance to eligible victims of crime in South Carolina. Financial assistance is provided from the South Carolina Crime Victims' Compensation Fund for medical, counseling, or burial expenses. SOVA can also provide compensation for lost wages.

Although a majority of the Compensation Fund comes from fines, fees and assessments ordered by the court to be paid by convicted offenders, SOVA also receives a substantial amount from restitution and subrogation. In order to ensure the solvency of the Compensation Fund, SOVA asks that all parties collaborate so that victims can continue to receive the services they desperately need.

In many cases, victims may receive restitution or a financial settlement as result of a crime. SOVA asks to be kept aware of any legal proceedings that may result in the victim receiving monies from the offender or a third party. Upon notification, SOVA will work with the victim to redirect payment to the Compensation Fund in order to replenish money lost through medical expenses incurred on the victim's behalf.

State law guarantees SOVA subrogation rights to recoup any settlement the victim may receive as a result of the crime. On the initial application, each claimant/victim is responsible for providing a signature that ensures SOVA will be reimbursed for any money paid out on the victim's behalf if restitution or subrogation is ordered. SOVA strives to serve as many victims as possible and the collection of restitution and subrogation will ensure the office has the resources necessary to continue the delivery of essential services.

Collaboration

Restitution and subrogation are vital to the Compensation Fund's solvency and to ensure that future victims receive the necessary services to help them obtain the proper medical care or funeral expenses. SOVA needs the assistance of all parties involved in aiding with the collection and monitoring of restitution payments. If there are any questions regarding restitution or if any information is needed on payment history, please call SOVA at 803-734-1900 and ask to speak to a Restitution Coordinator.

SECTION 16-3-1250 of the SC Code of Laws reads that payment of an award pursuant to this article subrogates the State to the extent of the payment to any right of action accruing to the claimant or to which the award is made, except that subrogation shall not reduce the financial recovery by the victim, claimant, or intervenor to less than one hundred percent of the actual losses or expenses. The subrogation amount must be reduced if there is a jury award or judicial award in a bench trial, which results in a loss to the victim, claimant, or intervenor. Subrogation shall not be reduced if the action is terminated other than by a jury award or judicial award in a bench trial.

SECTION 16-3-1270 of the SC Code of Laws reads that if a person is unable at the time of sentencing, or at any other time, the court may set to pay a restitution charge imposed by the court pursuant to §§24-23-210 through 24-23-230, such restitution charge shall constitute a lien against the offender and against any real or personal property of the offender. A restitution charge shall not constitute a lien if it is waived by the Director pursuant to §24-23-210. Such lien may be filed by the Attorney General in the respective offices of the clerks of court and registers of deeds of this State in the same manner state tax liens are filed and may be enforced and collected by the Attorney General in the same manner state tax liens are enforced and collected.